

**RESOLUTION NO. 75713**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE APPROVING ENVIRONMENTAL ANALYSIS FOR THE CANNERY PARK VILLAGE PROJECT, FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San Jose prepared an Initial Study and adopted a Mitigated Negative Declaration for the Cannery Park Village Project (Planning File No. PDC08-036) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended, together with state and local guidelines implementing CEQA (collectively, "CEQA"); and

**WHEREAS**, the Cannery Park Village Project analyzed under the Initial Study/Mitigated Negative Declaration consisted of a Planned Development Rezoning from the A(PD)Planned Development Zoning District to the A(PD)Planned Development Zoning District to allow for the demolition of 242,000 square feet of office/light industrial space and the development of a mixed use building including up to 5,500 square feet of commercial space and up to 403 multi-family residential units, and the retention of 129,646 square feet of light industrial space on an 11.4-acre site located at the northwest corner of 10<sup>th</sup> and Taylor Streets, San José, California 95112 (the "Project"); and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

**WHEREAS**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

**WHEREAS**, the City of San Jose is the lead agency on the Project, and the City Council is the decision-making body for the proposed Project; and

**WHEREAS**, the Planning Commission of the City reviewed the Initial Study/Mitigated Negative Declaration and found it prepared in compliance with CEQA on January 12, 2011; and

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:**

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is also consistent with state and local guidelines implementing CEQA, (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project, and (4) that on the basis of the whole record before the Council, there is no substantial evidence that the Project will have a significant effect on the environment. The City Council designates the Director of Planning as the custodian of documents and records of proceedings on which this decision is based.

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**THAT THE CITY COUNCIL** does hereby approve and adopt Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the Project (Planning File No. PDC08-036). The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, Tower-3<sup>rd</sup> Floor, San Jose CA 95113 and (2) available for inspection by any interested person.

**ADOPTED** this 25th day of January, 2011, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, ROCHA, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

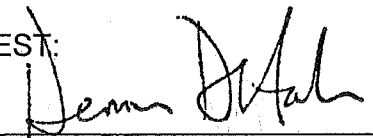
DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST:



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DENNIS D. HAWKINS, CMC  
City Clerk